

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EUGENE R. WASHINGTON,

Civil File No. 05-827 (JNE/JSM)

Plaintiff,

v.

ORDER

AARON ELLRINGER and
ERNIE FRYE,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated May 24, 2004. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Plaintiff's application to proceed in forma pauperis, (Docket No.3), is DENIED AS MOOT;
2. Plaintiff's "Motion To Cancell [sic] Suit," (Docket No. 5), is construed as a request for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a), and that such motion is GRANTED; and

3. This action is summarily DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a).

Dated: June 22, 2005

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Court Judge